

 KENTUCKY CORRECTIONS Policies and Procedures	Policy Number	Total Pages
	25.12	8
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	May 14, 2007	August 31, 2007
References/Authority KRS 17.500, 17.550, 196.035, 197.020, 197.170, 197.410, 440.010, 520.010, 532.200, 532.210, 532.220, 532.230, 532.240, 532.250, 532.260 CPP 27-15-02	Subject HOME INCARCERATION AND MONITORING OF INMATES	

I. DEFINITIONS

“Approved monitoring device” is defined in KRS 532.200(5).

“Eligibility list” means a computer-generated list of the names of inmates who are within one hundred eighty (180) days of their minimum expiration date.

“Emergency” means an unexpected, legitimate condition that would cause an inmate to violate a condition, order or directive relating to home incarceration and monitoring.

“Escape” is defined in KRS 520.010(5).

“Home” is defined in KRS 532.200(1).

“Home incarceration” is defined in KRS 532.200(2).

“Sex crime” is defined in KRS 17.500.

“Violent offense” is defined in the Classification Manual in 501 KAR 6:080.

II. POLICY and PROCEDURE

A. In order to maintain a program for review of inmates for home incarceration and electronic monitoring pursuant to KRS 532.260, the Program Administrator shall:

1. Oversee and manage the home incarceration and electronic monitoring program for inmates;
2. Monitor and revise procedures for the program;
3. Review and approve or disapprove placement in the home incarceration program;
4. Collect data relevant to the program; and

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5. Maintain a list of inmates and offenders on home incarceration.
- B. In order for an inmate to be considered for ninety (90) days early release on home incarceration using electronic monitoring, the inmate shall:
1. Meet the eligibility requirements of KRS 532.260(1);
 2. Have no prior convictions for a violent offense or sex crime;
 3. Be within ninety (90) days of expiration of sentence, to include administrative release;
 4. Participate in a discharge planning process in accordance with KRS 532.260(1)(c);
 5. Not have a pending felony charge, detainer, warrant or other process issued by a jurisdiction. Misdemeanors warrants shall be considered on a case-by-case basis and may exclude the individual from early release;
 6. Not have an active domestic violence order;
 7. Not have more than ninety (90) days restorable good time loss;
 8. Not be determined guilty of any category VII disciplinary violation within the last five (5) years; and
 9. Freely and voluntarily agree in writing to home incarceration and the conditions set by the Department of Corrections and KRS 532.220.

III. INSTITUTIONAL REVIEW PROCEDURES

- A. Home Incarceration Program (HIP) staff shall print an eligibility list of inmates serving on a Class C or D felony who are within one hundred eighty (180) days of expiration of sentence and forward the list to the institutions on the first working day of the month. The list shall then be forwarded to the assigned institutional Classification and Treatment Officer (CTO). The CTO shall review inmates at the institution for program eligibility, conduct interviews, and process the appropriate paperwork within fourteen (14) days of receipt of the eligibility list.
- B. For each inmate on the list assigned to the institutional CTO, the CTO shall:
1. Review the inmate record to determine if the inmate is eligible. If the inmate is not eligible, the CTO or designated staff shall state the specific reasons for ineligibility in writing and document this in the institutional record;

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2. Interview an eligible inmate to determine if the inmate wants to volunteer for the home incarceration program;
3. Obtain the inmate's written agreement to participate in home incarceration and document institutional review of eligibility;
4. Verify that the home placement is willing to accept the offender into the home;
5. Forward written recommendations for home incarceration and ineligibility determinations to the Warden of the institution or designee for review;
6. Forward documentation to the Central HIP office, the probation and parole officer and district supervisor of the county the inmate may reside in for assessment of the suitability of the home placement. The home placement request shall be returned to the institution and Central HIP Office within seven (7) working days of receipt of the request; and
7. Upon receipt of the final review by Central Office, provide written notification to the inmate of acceptance or rejection for participation in the home incarceration program.

- C. The Central Office HIP Program Administrator or designee shall review the recommendation and ineligibility determinations for accuracy. If accepted, HIP staff shall notify the institution of the inmate's release date and forward the documents to the Central Office Offender Information Office and the appropriate Probation and Parole District Office.

IV. COMMUNITY SERVICE CENTER REVIEW PROCEDURES

- A. HIP staff shall print an eligibility list of inmates serving on a Class C or D felony within the community services program that are within one hundred eighty (180) days of expiration of sentence. The list shall be distributed on the first working day of the month to the assigned HIP CTO. The CTO shall:
 1. Review the inmate record to determine eligibility of the inmate. If the inmate is not eligible, the CTO shall state the specific reasons for ineligibility in writing and document the review;
 2. Prepare documentation for each eligible inmate and a non-participation form for each inmate who is not eligible. If eligible, the CTO shall:
 - a. Interview the inmate to determine if the inmate volunteers for the home incarceration program;

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- b. Obtain his written agreement to the conditions of the program and document the review of eligibility; and
 - c. Verify that the home placement is willing to accept the offender into the home;
- 3. Forward documentation to the Central HIP office, the probation and parole officer and district supervisor of the county the inmate may reside in for assessment of the suitability of the home placement. The home placement shall be returned to the Central Office HIP Program Administrator within seven (7) working days of receipt of the request; and
- 4. Provide notification to the inmate of acceptance or rejection for participation in the program.
- B. The Central Office HIP Program Administrator or designee shall review the recommendations for home incarceration and ineligibility determinations for accuracy.
- C. The Central Office HIP Program Administrator or designee shall assign a release date and forward the documents to the staff at the appropriate community service center, Central Office Offender Information Office, the appropriate probation and parole officer and district supervisor. Verification of receipt of documentation to release the inmate shall be completed by the assigned CTO.

V. JAIL REVIEW PROCEDURE

- A. HIP staff shall print an eligibility list of inmates serving on a Class C or D felony within the jail system within one hundred eighty (180) days of expiration of sentence. The list shall be distributed on the first working day of the month to the HIP CTO assigned to that jail region.
- B. The HIP Classification and Treatment Officer shall:
 - 1. Review the inmate record to determine eligibility of the inmate. If the inmate is not eligible, the CTO shall state the specific reason for ineligibility in writing and document the review;
 - 2. Prepare documentation for each eligible inmate and a non-participation form for each inmate who is not eligible. If eligible, the CTO shall:
 - a. Interview the inmate to determine if the inmate volunteers for the home incarceration program,
 - b. Obtain his written agreement to the conditions of the program; and

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- c. Verify that the home placement is willing to accept the offender into the home;
3. Forward documentation to the Central HIP office, the Probation and Parole Officer and district supervisor of the county the inmate may reside in for assessment of the suitability of the home placement. The home placement shall be returned to the Central Office HIP Program Administrator within seven (7) working days of receipt of the request; and
4. Provide notification to the inmate of acceptance or rejection for participation in the program.
- C. In the absence of the assigned HIP Classification and Treatment Officer the Central Office HIP Program Administrator shall assign another HIP Classification and Treatment Officer to process the required documentation.
- D. The Central Office HIP Program Administrator or designee shall assign a release date and forward the documents to the jail, Central Office Offender Information Office, the appropriate probation and parole officer and district supervisor. Verification of receipt of the documentation to release the inmate shall be completed by the CTO.

VI. CONDITIONS OF PROGRAM

- A. An inmate placed on home incarceration shall:
 1. Have an approved home placement within the state of Kentucky;
 2. Have a telephone landline unit that is compatible with the approved monitoring device;
 3. If applicable, pay any restitution owed from earnings;
 4. Pay the daily monitoring fee and make payment directly to the monitoring service provider;
 5. Report to the assigned probation and parole officer as directed and for approval of schedule changes as needed; and
 6. Be responsible for expenses pursuant to KRS 532.240.
- B. An inmate who violates the terms of home incarceration may be returned to an institution or jailed until the return to an institution can be accomplished. If the violation was an absence from required placement, the inmate may be charged with escape.

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VII. RELEASE PROCEDURES

- A. Upon approval of release to home incarceration and at least ten (10) days prior to the release of the inmate to home incarceration on electronic monitoring, the HIP office shall send the notice required by KRS 197.170.
- B. Prior to release, Offender Information staff at the institution or the CTOs covering the community centers and jails shall enter the necessary information for the initial enrollment in the electronic monitoring service provider's web-based system as high risk and confirm activation of the voice recognition system. The probation and parole officer may change the risk level in the web-based system as appropriate.
- C. Prior to release of the inmate, all appropriate home incarceration documentation shall be completed and signed.
- D. Upon release, the inmate shall be provided the date and time to report to the probation and parole district office to be fitted with the approved monitoring device. All hook up and termination of equipment shall be completed by the electronic monitoring service provider or trained DOC staff.

VIII. RESPONSIBILITIES OF THE PROBATION AND PAROLE OFFICER

- A. The probation and parole district office shall be responsible for monitoring an inmate on home incarceration. Inmates on home incarceration shall be tracked using the monitoring service provider's web-based system.
- B. The inmate shall obtain prior approval from the assigned probation and parole officer for any changes in the inmate's schedule. The designated probation and parole officer shall enter all changes in the schedule into the service provider's web-based system.
- C. All information generated by the monitoring service shall be reviewed by the designated probation and parole officer each business day.
- D. The probation and parole officer shall report any home incarceration violations to the District Supervisor or designee. The Central Office HIP Program Administrator shall be notified during regular business hours and provided with a supervisory report the next business day.
- E. The inmate may be lodged in the county jail on a community center detainer if a violation occurs. These violations are listed below but not limited to:
 1. Use or possession of alcohol or illegal drugs;

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2. Possession of a deadly weapon or dangerous instrument;
3. Unauthorized change of home placement;
4. Disconnection of landline telephone or adding additional services to the telephone plan;
5. Failure to report to Probation and Parole Officer as directed;
6. Failure to submit to a drug test at the request of a Department of Corrections official;
7. Leaving the county of residence without authorization;
8. Tampering with or removal of the electronic monitoring equipment;
9. Unauthorized absence from home in excess of three (3) hours; and
10. An arrest for a misdemeanor or felony offense while on the home incarceration program.

F. The Central Office HIP Program Administrator or designee shall provide reports of violations to the receiving institution regarding any home incarceration violations.

IX. RESPONSE TO HOME INCARCERATION MONITORING VIOLATION

- A. If monitoring equipment reports a violation to the monitoring center, the monitoring center shall call the inmate.
- B. The monitoring center shall call the probation and parole officer if the problem is not resolved with the inmate.
- C. If the monitoring center is unable to contact the probation and parole officer, the monitoring center shall call the following individuals in order until contact is made:
 1. Supervising probation and parole officer;
 2. Assistant Supervisor;
 3. District Supervisor; or
 4. Central Office Duty Officer.

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- D. The probation and parole officer shall attempt to call the inmate to verify compliance.
- E. If an inmate has an unexcused absence of three (3) hours or more, with the time calculated from the monitoring center's first notice of violation, the probation and parole officer or his designee shall make a home visit and verify if the inmate is at home and in compliance. If the offender is not at home and in compliance, the officer shall contact the District Supervisor or designee and the appropriate law enforcement agency. The Central Office HIP Program Administrator or designee shall contact the appropriate individuals for issuance of an escape warrant pursuant to KRS 440.010 upon receipt of the special supervisory report. This report shall be submitted by the probation and parole officer the next business day.

The Probation and Parole Officer shall contact the Kentucky State Police or Urban County Metro Police Agency to file escape charges and any additional charges that pertain to the escape from home incarceration. The Probation and Parole Officer shall verify that charges have been filed. The Program Administrator or designee shall monitor resolution of the outcome.
- F. The Central Office HIP Program Administrator or designee shall notify Offender Information Services, Local Facilities and VINE of an escape.
- G. Transportation from the local jail to an institution is the responsibility of the probation and parole officer.

X. COMPLETION OF HOME INCARCERATION

On the inmate's release date from home incarceration, the inmate shall report to the probation and parole district office with all monitoring equipment for removal of the approved monitoring device. The device shall be removed after all equipment is returned and the inmate shall be final discharged.

The Probation and Parole Officer shall submit the Special Supervision Report to the HIP office within five (5) business days after the inmate has been released from the program.

VINE shall be activated immediately upon the inmate's release.